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TOWNSEND AND TOWNSEND AND CREW LLP			NAWAZ, ASAD M	
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SAN FRANCISCO, CA 94111-3834			2155	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/848,987

Applicant(s)

HOLSTEGE, MARY A.

Examiner

Asad M. Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/27/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12-24 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to the amendments received on 5/5/06. Claims 11 and 25 have been canceled. Claims 1, 15, 29 and 30 have been amended. Claim 35 has been newly added. Accordingly, claims 1-10, 12-24, and 26-35 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 8-10 and 12-17, 19, 22-24 and 26-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Maslov (US Patent No 6,583,673).

As to claim 1, Maslov teaches a method for monitoring multiple online resources in different formats, the method comprising the steps: identifying an online resource to monitor, the online resource being stored in a first format, the online resource in the first format including data in a non-strict architectural structure; (Abstract; figs 2-4; col 3, lines 25-40; col 4, lines 40-65)

converting the online resource to a strict formatted file, wherein data in the first format of the online resource is converted into a strict architectural structure in the strict formatted file; (Abstract; figs 2-4; col 3, lines 25-40 (XSLT can be used to convert HTML to XML and vice versa); col 4, lines 40-65)

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identifying relevant data based on the strict architectural structure of the data in the strict formatted file using an analytic parser, and determining whether the identified relevant data has been altered. (figs 2-4; col 3, lines 25-40; col 4, lines 40-65; col 6, lines 5-13)

and comparing the identified relevant data to a most recent archived copy of the identified relevant data. (fig 1; col 4, lines 41-53)

Claims 15, 30 and 35 are rejected for essentially being the system for the method taught in claim 1.

Claim 29 is rejected for essentially being a method as taught in claim 1 except that data has been remotely updated, a limitation that is taught by Maslov. (fig 6; col 11, lines 4-39)

As to claims 2 and 16, Maslov teaches the method of claim 1 and the system of claim 15 wherein the online resource is a HyperText Markup Language application. (col 12, lines 35-41)

As to claim 3, Maslov teaches the method of claim 1 and that the online resource is a non-HyperText Markup Language application. (col 4, lines 47-52)

Claim 17 is rejected on similar grounds as claim 3 above.

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As to claim 5, Maslov teaches the method of claim 1 and that an Extensible Style Sheet Transform is used to convert the online resource to the strict formatted file.(col 3, lines 25-39)

Claim 19 is rejected on similar grounds as claim 5 above.

As to claim 8, Maslov teaches the method of claim 1 and that the strict formatted file is a document object model of the online resource. (col 2, lines 46-50)

Claim 22 is rejected on similar grounds as claim 8 above.

As to claims 9 and 23, Maslov teaches the method and system of claims 1 and 15 and that the analytic parser being a script.(col 6, lines 5-13)

As to claims 10 and 24, Maslov teaches the method of claim 9 and the system of claim 23 teaches the script identifying relevant data via markers within the strict formatted file. (col 4, lines 41-53)

As to claims 12 and 26, Maslov teaches a method of claim 11 and a system of claim 15 further comprising the step of storing the identified relevant data within a database. (fig 1; col 4, lines 41-53)

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As to claims 13 and 27, Maslov teaches the method of claim 1 and the system of claim 15 and automatically notifying a user when the identified relevant data has changed (abstract; col 4, lines 53-65).

As to claims 14 and 28, Maslov teaches a method of claim 1 and the system of claim 15 further comprising the step of automatically updating a database. (col 4, lines 40-65)

As to claims 31-34, Maslov teaches identifying relevant data in the strict formatted file comprises identifying data flags or identifiers in the strict architectural structure to identify the relevant data. (col 4, lines 40-65)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6, 7, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maslov (US Patent No 5,946,697) and further in view of Helgeson et al (US Patent No 6643652).

As to claim 4, Maslov teaches the method of claim 3 further comprising the step of converting the online resource wherein converting the online resource to the strict formatted file comprises converting the HTML application to the strict formatted file.

However, Maslov does not explicitly indicate converting from the non-hypertext markup language application to a hyper text markup language application to a HyperText Markup Language application.

Helgeson teaches converting from the non-hypertext markup language application to a hyper text markup language application to a HyperText Markup Language application. More specifically, Helgeson teaches transformations from XML to html, pdf, xml, wml, xhtml, etc and vice versa through the use of XSL/XSLT (col 49, lines 55-64; col 50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the teachings of Helgeson into those of Maslov to make the system more flexible. Flexibility of a system can be achieved through the integration of disparate business applications enabling modular interconnection of systems containing data import, export and event monitoring and reporting facilities which are protocol independent. (Helgeson Col 2, lines 35-50) Furthermore, languages like xml and html are more formally referred to a standard generalized markup languages and conform to a particular document type definition where most elements have start tags followed by some content and an end tag.

Claim 18 is rejected on similar grounds as claim 4 above.

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As to claim 6, Maslov teaches the method of claim 1 but does not explicitly indicate the strict formatted file is an Extensible Markup Language application.

Helgeson teaches a method to manage data exchange among systems in a network by translating data from a system specific local format to a generic interchange format and vice versa. More specifically, Helgeson teaches transformations from XML to html, pdf, xml, wml, xhtml, etc and vice versa through the use of XSL/XSLT (col 49, lines 55-64; col 50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the teachings of Helgeson into those of Maslov to make the system more flexible. Flexibility of a system can be achieved through the integration of disparate business applications enabling modular interconnection of systems containing data import, export and event monitoring and reporting facilities which are protocol independent. (Helgeson Col 2, lines 35-50) Furthermore, languages like xml and html are more formally referred to a standard generalized markup languages and conform to a particular document type definition where most elements have start tags followed by some content and an end tag.

Claim 20 is rejected on similar grounds as claim 6 above.

As to claim 7, Maslov teaches the method of claim 1 but does not explicitly indicate the strict formatted file is an Extensible HypterText Markup Language application.



Helgeson teaches a method to manage data exchange among systems in a network by translating data from a system specific local format to a generic interchange format and vice versa. More specifically, Helgeson teaches transformations from XML to html, pdf, xml, wml, xhtml, etc and vice versa through the use of XSL/XSLT (col 49, lines 55-64; col 50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the teachings of Helgeson into those of Maslov to make the system more flexible. Flexibility of a system can be achieved through the integration of disparate business applications enabling modular interconnection of systems containing data import, export and event monitoring and reporting facilities which are protocol independent. (Helgeson Col 2, lines 35-50) Furthermore, languages like xhtml and html are more formally referred to a standard generalized markup languages and conform to a particular document type definition where most elements have start tags followed by some content and an end tag.

Claim 21 is rejected on similar grounds as claim 7 above.

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues in substance that A), Maslov does not teach comparing the identified relevant data to a most recent archived copy of the identified relevant data to determine a change and B), Maslov requires any monitored resource to be a structured online document.

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6. In response to A), Maslov teaches that a most recent digest is kept of all relevant data. The digests are then compared to recently acquired fragments that represent the relevant data of interest. If the two digests are not the same, the content has been modified and a change has occurred. If the change has occurred, the digest is replaced with the current digest. Thus, Maslov still meets the scope of the limitation as currently claimed.

7. In response to B), It is true that Maslov requires the use of documents such as "HTML, XML, SGML," etc. Examiner maintains that Maslov teaches those limitations presented by the applicants and positively claimed. Thus the rejection is in accordance with the claimed invention. Claim 2 clearly specifies that the online resource that is monitored is an HTML file. Claim 1 states that the online resource is in a non-strict architectural structure. Therefore, the HTML (a non-strict structured document by applicant's contention) is taught by Maslov. Claim 6 further states that the strict formatted file is XML. Therefore, Maslov not only teaches the limitation of claim 1, but also of dependent claims 2 and 6.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*AMN*  
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*Philip Tran*  
PRIMARY EXAMINER